

6:00 PM

PRESENT

Mayor Collesano, Trustee Conde, Trustee Gibson, Trustee Sutherland, Superintendent Brolinski, Police Chief Previte, Law Counsel Joseph Leone, Zoning Officer DeVantier, and Deputy Clerk Myers.

EXCUSED

Trustee Eydt, Building Inspector Candella, Recreation Director McDermott, Clerk/Treasurer Salada

PUBLIC HEARING

Mayor Collesano opened the public hearing at 6:03 PM for a proposed Local Law, Written Notice of Defects required section 17-9 and Contents of Written Notice/Transmittal of Notice Section 17-10.

Law Counsel Leone explained the purpose of this Local Law.

After a brief discussion Mayor Collesano asked if anyone from the public had any questions or comments. No one came forward.

The public hearing closed at 6:06 PM.

PUBLIC HEARING

Mayor Collesano opened the public hearing at 6:06 PM to amend the Local Law on Traffic. Chapter 11 Motor Vehicles and Traffic Article III Stopping, Standing and Parking in particular section 11-46 and Section 11-47 Parking Areas and Parking Lots.

Law Counsel Leone explained the purpose of this Local Law.

After a brief discussion Mayor Collesano asked if anyone from the public had any questions or comments.

Marshall Hibbard asked how this will be enforced.

Law Counsel Leone answered on the public streets it is a police matter. The purpose of this Local Law deals in large part with private property with proper signs posted.

Chief Previte said he is in opposition to this Local Law. Chief Previte said I think we should treat parking the same way as the DPW would treat a tree on private property; it's up to the property owner. Another concern I have is that towing can cause damage and this could leave the Lewiston Police Department and the Village of Lewiston could be liable for the damage.

The public hearing closed at 6:13 PM.

CALL TO ORDER

Mayor Collesano called the Village Board Meeting to order at 6:13 PM with the Pledge of Allegiance.

RESIDENTS

Michael Hibbard of 800 Center Street, Gallo Coal Fire Kitchen, said he was here to discuss the signs at 810 Center Street. He said that no one can provide the permits for the signs that were put up. Ed DeVantier as a code enforcement officer should be able to enforce the code. The Historic Preservation Commission gave 810 Center Street a verbal certificate of appropriateness. They put the signs up without village approval. I feel everyone should be on the same page, if special treatment is given to one business it should be given to all.

Zoning officer DeVantier said we are looking for clarification from the state. I am currently working with Law Counsel Leone. We are waiting for definite documentation from the state.

Hibbard said he spoke to James Finelli and he verbally said the code should be enforced. He said they cannot supersede what is in this book (Village Code).

Law Counsel Leone said one of the issues is whether or not those signs are prior non-conforming use, whether or not those signs were in existence. I am not aware of any state law that would supersede our law.

Trustee Sutherland said we looked back through the Planning Commission minutes and July 13, 2009 found a motion was made and seconded and passed unanimously to approve the sign application for a 40 sq. ft. roof sign (grandfathered) to be placed at 810 Center Street (Macri's). That would have to be approved again by the Planning Commission to be grandfathered in.

Michael Hibbard said he feels that Ed DeVantier as a code enforcement officer should enforce the code.

Zoning Officer DeVantier said we should have an answer within a week or so.

Kris Trunzo said there are signs in the parking lot at 810 Center Street stating additional parking across the street. It does not specify where, there is village parking spots in the Hibbard's lot. Since it does not specify where people are not using the village spots but using any spot available in the lot.

Marshall Hibbard said the village does not enforce the village 2 hour parking in the lot. People are parking in the lot long term. I can see this becoming a huge problem in the summer. He said that down below the hill there is 2 hour parking signs for the Silo, 180 feet is designated Silo parking.

Trunzo said let's just be on an even playing field.

Mayor Collesano said that the Silo building is owned by the village. The parking was included in the lease years and years ago.

CORRESPONDENCE

Letter from the Diachin's regarding Village sidewalks – Superintendent Brolinski said he is working on repairing old sidewalks and then he will be able to add new ones.

Superintendent Brolinski said they clear all sidewalks of snow but Niagara Street. The DPW does the best they can to clear the sidewalks in a timely manner. The business owners should be shoveling and salting.

Judy Munzi a Center Street business owner, told Superintendent Brolinski he and the DPW are doing a great job.

Mayor Collesano said we get more calls in favor of our DPW.

OLD BUSINESS

HIBBARD'S CUSTARD STAND EXPANSION

Deputy Treasurer Walker said the special use request went to the Niagara County Planning board and they approved it.

Law Counsel Leone said we are waiting on the indemnification agreement.

A motion was made by Trustee Sutherland seconded by Trustee Conde and passed unanimously to schedule a Public Hearing on March 19, 2018 regarding the Special Use Permit for the Hibbard's Custard stand expansion.

WELCOME SIGN

Trustee Sutherland said he spoke with Modern to get the welcome sign by Hennepin Park, done. Modern will come stripe it down, put the sign paint on it which is UV resistant and then they will come back after the paint cures to add the wording. The pricing will be approximately \$16/ sq. ft. this sign will cost about \$464. My plan is to get this sign done and if it reaches our expectations to do the rest of the signs in the village.

Trustee Sutherland said that the Lions Club had come to the Village Board requesting to put a sign up when coming into the village. We thought that instead of a standalone sign we could do what a lot of other communities do and put all the emblems of the organizations that meet in the village on one sign. The organizations that will be on the sign will donate enough money to pay for the new sign. There is one more organization that would like to be included and that's the Lewiston Service Guild.

WELCOME SIGN AT HENNEPIN PARK

A motion was made by Trustee Sutherland seconded by Trustee Gibson and passed unanimously to proceed and get the Welcome Sign at Hennepin Park redone by Modern.

NEW BUSINESS

FOOD PANTRY PROJECT

A motion was made by Trustee Conde, seconded by Trustee Gibson and passed unanimously allow the Food Pantry Project to collect donations of foods and funds for Tuesday Artpark concerts at the entrances to Artpark on S 4th Street and Portage Road.

Claudia Marasco said this will be our 10th year (collecting food and money). A dollar goes a long way and that's our mantra. There's no fee collected by anybody, every penny goes to people in need.

FACILITY CONTRACT

A motion was made by Trustee Sutherland seconded by Trustee Gibson and passed unanimously to allow the Niagara River Region Chamber of Commerce to use Academy Park on Thursday July 19, 2018 from 5:00 PM to 10:00 PM for a networking event and miniature golf business tournament.

This event will be on the Chamber side of the park so it will not interfere with the Cataract Cruisers event.

SOLAR ENERGY SYSTEMS

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to appoint the Town of Lewiston Lead Agent for the SEQR Coordination Zoning Ordinance amendment – Solar Energy Systems. This will establish standards for solar energy systems.

ST. PETER'S 5K

A motion was made by Trustee Gibson seconded by Trustee Sutherland and passed unanimously to approve the request from Sheila Broderick representing St. Peter's, to hold the 5K race on May 19, 2018 through the Village of Lewiston, Town of Lewiston and Artpark. This event will start after the 4:00 PM Mass around 5:30 PM.

HARVEST & HOPS FESTIVAL

A motion was made by Trustee Gibson seconded by Trustee Sutherland to approve the request from Niagara River Region Chamber of Commerce to hold the 35th annual Harvest Festival (Harvest & Hops Festival) on September 22, 2018 and September 23, 2018. The following are additional requests for the annual Harvest & Hops Festival:

- Close Center Street from Seventh Street to Fourth Street,
- Close Niagara Street (Center to Plain)
- Close South Fifth Street (Center to Plain)
- Use of Hennepin Park and the Peace Garden.
- They also request the use of Academy Park for parking
- For this event with the addition of the Hops portion they request that the "open bottle" law be lifted.

Chief Previte requested signs stating “No Alcohol Beyond This Point”

EXECUTIVE SESSION

A motion was made by Trustee Sutherland, seconded by Trustee Gibson and passed unanimously to enter into executive session immediately following this Village Board meeting to discuss negotiating pending litigation.

DISCUSSION

RESTAURANT GROUP - INSURANCE

Emery Simon of 755 Center Street – The Stone House came forward and said that he has a group of restaurants owners that meet monthly. The concern they have is that during festivals the vendors are selling alcohol without proper insurance. Simon said the village needs to get on the same playing field as other communities.

Ken Bryan of Brickyard and Brickyard Brewing Company came forward and said that if there is an issue the liability will fall on the business with the bigger insurance first. If someone hits all the vendors at a festival and then comes to one of my places I will be the one wacked.

A representative from Evans Insurance came forward to speak about insurance. They have between 40-50 municipalities they represent. He said he had the insurance certificate from the Jazz Festival and said that the Hold Harmless part looked good. It says that you need to name the Jazz Fest and the village additionally insured in the amount of \$1 million but it doesn't say what for. I also notice that it says “we recommend obtaining liquor liability” if it's recommended they are not going to spend it. I brought a sample certificate for the village to take a look at.

Simon said we are trying to make a safer environment for us (the restaurants).

Bryan we need to make this an even playing field, not every ones insurance is the same, the one with the better insurance will be the one gone after first if there is an incident.

Mayor Collesano said we have upgraded on the recommendation of our bank, the bank told us we should be getting extra insurance from the vendors to cover ourselves

Jennifer Pauly speaking on behalf of the Jazz Festival, we make sure all venders have all the paperwork that they are required to have. This year the paperwork for the Jazz Festival says you can apply but you can be held until a committee reviews everything and goes through all the paperwork to make sure the vender has everything they need to be considered. We (Jazz Festival Committee) are doing our due diligence to make sure everyone is covered.

Trustee Sutherland said we have discussed this with the Chief of Police and the Chamber and we would like to set up a special events committee to solve these issues.

RESTAURANT GROUP – PARKING

Michael Hibbard said our concern is parking in my lot (800 Center Street), my family's lot across the street (Hibbard's) and village parking (2hour parking) is not being governed. The signage at the Griffon (810 Center Street) state there is additional parking across the street.

Chief Previte said the problem with the 2 hour parking is that it is not reasonable or enforceable without having some sort of timed device that would be all of my resources.

Marshal Hibbard asked do you enforce parking off of Center Street?

Chief Previte responded yes.

Simon asked what about cars parked overnight?

Chief Previte responded during the winter parking ban they are ticketed.

Michael Burke of Apple Granny's suggested central station parking.

Trustee Conde said we have been talking about that.

Ken Bryan said what about adding diagonal parking on Ridge Street from 4th to 5th Street?

Trustee Sutherland said we are currently looking into it.

Trustee Sutherland said we have been talking about getting a committee together for parking.

Claudia Marasco asked if volunteers could be deputized to write parking tickets.

Chief Previte said that would be a question for Law Counsel Leone. They wouldn't have to have police powers they would need the authority to enforce village ordinance.

Mayor Collesano said when a business is expanded parking should be considered this has not been done.

RECYCLING TRUCK GRANT FUNDING

Superintendent Brolinski said Bernie Rotella said we have to finance the whole truck until we get the grant.

TOWN OF LEWISTON BUILDING DEPARTMENT FEE CHART

Building Inspector Candella and Clerk/Treasurer Salada were working on this. Trustee Sutherland tabled this discussion item.

REQUEST TO WAIVE PENALTY ON WATER/SEWER BILL 505 N 8TH STREET

Superintendent Brolinski said the Deputy Superintendent Wills went to the house and did a bucket test and found no leaks and no issues.

Mayor Collesano said the records of the past 3 estimates could have been lower than actual usage.

Deputy Treasurer Walker said we continued to estimate when the house was sold in December 2016. The owner is only requesting the penalty to be waived. The owner called on January 7, 2018 to dispute the bill.

Trustee Sutherland made a motion to remove the penalty from the January 2018 water/sewer bill for 505 N 8th Street and to inform the owner this is a one-time occurrence. Trustee Conde seconded the motion and the motion passed unanimously.

OTHER

Trustee Sutherland said the DPW did a great job with last Friday's snowstorm.

ANNOUNCEMENTS

The following announcements were read aloud:

- The Village Earth day Cleanup is scheduled for April 21, 2018 at 9:00 AM starting at the Redbrick Municipal Building.
- The next Village Board meeting will be held on March 19, 2018 at 6:00 PM in the Village Boardroom, 145 N 4th St. Lewiston
- The next Planning Board meeting is scheduled for Monday, March 12, 2018 at 6:30 PM in the Village Boardroom, 145 N 4th St. Lewiston.

- The next Zoning Board of Appeals meeting will be held on Tuesday, March 27, 2018 at 6:30 PM in the Village Boardroom, 145 N 4th St. Lewiston.
- The next Historic Preservation Commission meeting will be held on Monday, March 26, 2018 at 6:00 PM in the Village Boardroom, 145 N 4th St. Lewiston.
- The Village of Lewiston Clerk's office and Dept. of Public works will be closed on Friday, March 30, 2018 for the Good Friday Holiday. This is per Village Code Sec. 2-75-Holidays.

ADJOURN

A motion was made by Trustee Conde seconded by Trustee Eydt and passed unanimously to adjourn the Village Board meeting at 6:57 PM and enter into executive session.

Stephanie Myers, Deputy Clerk

EXECUTIVE SESSION

PRESENT

Mayor Collesano, Trustee Conde, Trustee Eydt, Trustee Gibson, Trustee Sutherland, Law Counsel Joseph Leone, and Deputy Clerk Myers.

There was a brief discussion between the Village Board of Trustees and Law Counsel Joseph Leone. No action was taken during the executive session.

A motion was made by Trustee Gibson seconded by Trustee Sutherland and passed unanimously to adjourn the executive session at 7:32 PM.

Stephanie Myers, Deputy Clerk